IN THE	UNITED STATES DISTRICT COURT
	WESTERN DISTRICT OF TENNESSEE
	EASTERN DIVISION

FOR THE WESTERN	TATES DISTRICT COURT DISTRICT OF TENNESSEE RN DIVISION	OS APR 20 PM OL
UNITED STATES OF AMERICA,)	10 10 10 10 10 10 10 10 10 10 10 10 10 1
Plaintiff,)	CONT.
VS.) Cr. No. 01-10031-T-	An
SHARN RAYNARD MILAN,)	
Defendant.)	

ORDER DENYING MOTION TO WITHDRAW AND DENYING MOTION TO CONTINUE SETTING DATE

On February 17, 2005, the Sixth Circuit Court of Appeals vacated the judgment of this court as to Sharn Milan and remanded the case for re-sentencing. The re-sentencing date has been set for May 18, 2005. Defense counsel Robert C. Brooks, who was appointed to represent Defendant pursuant to the Criminal Justice Act, has moved to withdraw from further representation on the grounds that (1) his practice is now limited to direct appeals and (2) he has "prior obligations" that prevent his appearing in this court on behalf of Defendant. The motion to withdraw is DENIED. Limiting a legal practice to direct appeals is not a choice under the Criminal Justice Act.

The Government has moved to continue the date of the re-sentencing on the ground that the Department of Justice has filed a petition for a rehearing en banc. The Government asks the court to remove the re-sentencing from the court's calendar until all proceedings

before the Court of Appeals have been concluded. The motion to continue is DENIED as premature. The appellate proceedings may be concluded by May 18, 2005. If not, the Government can renew its motion closer to that date.

IT IS SO ORDERED.

JAMES D. TODD

UNITED STATES DISTRICT JUDGE

DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 396 in case 1:01-CR-10031 was distributed by fax, mail, or direct printing on April 25, 2005 to the parties listed.

Robert C. Brooks LAW OFFICE OF ROBERT C. BROOKS P.O. Box 771558 Memphis, TN 38177

James W. Powell U.S. ATTORNEY'S OFFICE 109 S. Highland Ave. Ste. 300 Jackson, TN 38301

Honorable James Todd US DISTRICT COURT